

Laramie County District Court
Docket Sheet

Case #	CV-193992	Judge	Hon. Catherine R Rogers
Case Title	Michaelis v. Jacob et al	Case Type	Civil - Tort - Personal Injury or Wrongful Death: Vehicular

Filed Date	Docket Entry Type	Description	Submitted By
11-12-2020	Jury Demand - Six	Plaintiff's Demand For Jury Trial	Mr. Eric Wayne Hinckley On Behalf of Sherry Michaelis
11-12-2020	Cover Sheet - Cover Sheet	Civil Cover Sheet	
11-12-2020	Complaint - Complaint	Complaint	

STATE OF WYOMING
COUNTY OF LARAMIE

IN DISTRICT COURT
FIRST JUDICIAL DISTRICT

SHERRY MICHAELIS,

Plaintiff,

vs.

PRINCE JACOB, MTR FREIGHT
SOLUTIONS, INC., DOES I-X,

Defendant

COMPLAINT

Civil No. 193-992

FILED

NOV 12 2020

DIANE SANCHEZ
CLERK OF THE DISTRICT COURT

[¶1] COMES NOW Plaintiff, SHERRY MICHAELIS, by and through her counsel of record, the Lowe Law Group, for her causes of action and claims for relief against the Defendants, PRINCE JACOB and MTR FREIGHT SOLUTIONS, INC. Upon information and belief, Plaintiff alleges and avers as follows:

I. PARTIES, JURISDICTION AND VENUE

[¶2] At the time of the incident alleged herein, Plaintiff Sherry Michaelis (hereinafter “Mrs. Michealis”) was a resident of Scotts Bluff County, Nebraska.

[¶3] Upon information and belief, Defendant Jacob is a resident of DuPage County, Illinois.

[¶4] Upon information and belief, Defendant MTR Freight Solutions, Inc. (hereinafter “MTR Freight”) is an Illinois corporation doing business in Laramie County, Wyoming.

[¶5] The causes of action pleaded herein occurred in Laramie County, Wyoming, therefore Venue is proper.

[¶6] This Court has jurisdiction over the above-named parties and over the subject matter over this action.

II. FACTS

[¶7] On December 22, 2019, Mrs. Michaelis was driving her vehicle westbound on Interstate 80 in Laramie County, Wyoming.

[¶8] At or around the same time, Defendant Jacob, while in the course and scope of his employment with MTR Freight, was driving a MTR Freight semi-truck eastbound on Interstate 80.

[¶9] As Mrs. Michaelis approached mile marker 402, without any advanced warning or notice, Defendant Prince failed to maintain control of the MTR Freight semi-truck and caused the semi-truck to collide with the concrete median which then caused a portion of the concrete median to be pushed into the westbound traffic lanes. Mrs. Michaelis was unable to avoid the concrete barrier which had been pushed from the median into her lane causing a high-speed collision between her vehicle and the concrete median.

[¶10] As a result of Defendants' negligence, Plaintiff sustained significant bodily injuries requiring him to undergo medical treatment and procedures.

III. COUNT ONE- NEGLIGENCE OF PRINCE JACOB

[¶11] Plaintiff re-alleges all preceding paragraphs and incorporates them by reference as if fully set forth herein.

[¶12] Defendant Jacob owed a duty of reasonable care in driving the MTR Freight semi-truck in a safe, reasonable, and prudent manner.

[¶13] The negligent and careless acts of Defendant Jacob in failing to maintain control of his vehicle was a direct and proximate cause of the collision between the concrete median and Mrs. Michaelis' vehicle.

[¶14] As a direct and proximate result of Defendant Jacob's negligence, Plaintiff sustained serious bodily injuries, which have caused him great pain, discomfort, weakness, inconvenience, loss of established course of life, and physical and emotional suffering.

[¶15] As a direct and proximate result of Defendant Jacob's negligence, Plaintiff sustained serious bodily injuries, which have caused him great pain, discomfort, anxiety, inconvenience, loss of established course of life, and physical and emotional suffering.

[¶16] As a direct and proximate result of Defendant Jacob's negligence, Plaintiff has incurred medical expenses, the exact amount to be proven at trial, and Plaintiff may yet incur future medical expenses.

[¶17] As a direct and proximate result of Defendant Jacob's negligence, Plaintiff has suffered severe emotional and mental distress.

[¶18] As a direct and proximate result of Defendant Jacob's negligence, Plaintiff has suffered general damages in an amount to be proven at trial.

[¶19] As a direct and proximate result of Defendant Jacob's negligence, Plaintiff has suffered lost earnings and loss of earning capacity in an amount to be proven at trial.

IV. COUNT TWO- VICARIOUS LIABILITY AND/OR RESPONDEAT SUPERIOR

[¶20] Plaintiff re-alleges all preceding paragraphs and incorporates them by reference as if fully set forth herein.

[¶21] At all relevant times, Defendant Jacob was acting within the course and scope of his employment with MTR Freight.

[¶22] Defendant MTR Freight is vicariously liable for Defendant Jacob's negligence.

V. COUNT THREE- NEGLIGENCE/HIRING/TRAINING/SUPERVISION

[¶23] Plaintiff re-alleges all preceding paragraphs and incorporates them by reference as if fully set forth herein.

[¶24] Defendant's actions constituted a breach of multiple duties of care including, but not limited to, its duty to exercise reasonable care in hiring and/or retaining Defendant Jacob.

[¶25] Defendant is liable for these acts of negligence and for such other acts of negligence as may become apparent during the course of discovery in this case.

[¶26] As a direct and proximate result of Defendant MTR Freight's negligence, Plaintiff sustained serious bodily injuries, which have caused him great pain, discomfort, weakness, inconvenience, loss of established course of life, and physical and emotional suffering.

[¶27] As a direct and proximate result of Defendant MTR Freight's negligence, Plaintiff sustained serious bodily injuries, which have caused him great pain, discomfort, anxiety, inconvenience, loss of established course of life, and physical and emotional suffering.

[¶28] As a direct and proximate result of Defendant MTR Freight's negligence, Plaintiff has incurred medical expenses, the exact amount to be proven at trial, and Plaintiff may yet incur future medical expenses.

[¶29] As a direct and proximate result of Defendant MTR Freight's negligence, Plaintiff has suffered severe emotional and mental distress.

[¶30] As a direct and proximate result of Defendant MTR Freight's negligence, Plaintiff has suffered general damages in an amount to be proven at trial.

[¶31] As a direct and proximate result of Defendant MTR Freight's negligence, Plaintiff has suffered lost earnings and loss of earning capacity in an amount to be proven at trial.

VI. COUNT FOUR- NEGLIGENCE OF MTR FREIGHT

[¶32] Plaintiff re-alleges all preceding paragraphs and incorporates them by reference as if fully set forth herein.

[¶33] Defendant MTR Freight had a duty to provide its employees with the proper training, equipment, and tools necessary to complete all duties in a manner which prevented foreseeable risks of injury to other persons.

[¶34] Defendant MTR Freight endorsed, ratified, or permitted to continue, unsafe work practices of its employees, which created a foreseeable risk of injury to foreseeable plaintiffs.

[¶35] Defendant MTR Freight's work practices violated applicable rules and regulations, industry standards, and breached the standard of reasonable care.

[¶36] As a direct and proximate result of Defendant's negligence, Plaintiff sustained serious bodily injuries, which have caused him great pain, discomfort, anxiety, inconvenience, loss of established course of life, and physical and emotional suffering.

[¶37] As a direct and proximate result of Defendant's negligence, Plaintiff has incurred medical expenses, the exact amount to be proven at trial, and Plaintiff may yet incur future medical expenses.

[¶38] As a direct and proximate result of Defendant's negligence, Plaintiff has suffered severe emotional and mental distress.

[¶39] As a direct and proximate result of Defendant's negligence, Plaintiff has suffered general damages in an amount to be proven at trial.

[¶40] As a direct and proximate result of Defendant's negligence, Plaintiff has suffered lost earnings and loss of earning capacity in an amount to be proven at trial.

VII. PRAYER FOR RELIEF/DAMAGES

[¶41] Plaintiff re-alleges all preceding paragraphs and incorporates them by reference as if fully set forth herein.

[¶42] As a direct and proximate result of Defendants' negligent acts and/or omissions as described above, Plaintiff sustained severe and permanent bodily injuries, and other damages to be proven at trial, entitling Plaintiff to a monetary award against the Defendants for the following elements of damage, to include without limitation:

- a. Past and future medical expenses;
- b. Past and future loss of income and earning capacity;
- c. Past and future pecuniary loss;
- d. Past and future pain and suffering;
- e. Past and future enjoyment of life;
- f. Past and future disability;
- g. Disfigurement;
- h. Past and future loss of household services;
- i. Past and future emotional distress;
- j. Past and future fear of disability;
- k. Pre-judgment interest;
- l. Attorney's fees; and
- m. Costs of litigation.

SIGNED and DATED this 9th day of November, 2020.

LOWE LAW GROUP



Eric Hinckley (Wyo. Bar No. 7-5997)

James Jackson (Wyo. Bar No. 7-5996)
6028 S. Ridgeline Drive
Suite 200
Ogden, UT 84405
Phone: 801-917-8500
Eric_h@lowelawgroup.com
james@lowelawgroup.com
Attorneys for Plaintiff

CIVIL COVER SHEET

This civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law. This form, approved by the Wyoming Supreme Court, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM)

FILED**I. CAPTION**

NOV 12 2020

Sherry Michaelis
240712 Lake Minutaire
Scottsbluff, NE 69361
 Plaintiff Name and Current Address

DIANE SANCHEZ
 CLERK OF THE DISTRICT COURT

Docket # 193-992

v.

Prince Jacob, MTR Freight Solutions, Inc.
 Defendant.

II. NATURE OF SUIT (Place an "X" in One Box Only)

GENERAL CIVIL			OTHER CIVIL
CONTRACT <input type="checkbox"/> Business Organization Litigation <input type="checkbox"/> Com. Const. Contract Litigation <input type="checkbox"/> Contract Other (not Debt Collection)	DISSOLUTION OF MARRIAGE <input type="checkbox"/> Divorce w/Minor Children <input type="checkbox"/> Divorce w/o Minor Children <input type="checkbox"/> Judicial Separation <input type="checkbox"/> Annulment	PROBATE <input type="checkbox"/> Ancillary Admin/Foreign Prob <input type="checkbox"/> Decree of Title Distribution <input type="checkbox"/> Determination of Heirship <input type="checkbox"/> Letters of Administration <input type="checkbox"/> Estate Unspecified <input type="checkbox"/> Summary Probate <input type="checkbox"/> Testate/Intestate Estate <input type="checkbox"/> Will Only Filings <input type="checkbox"/> Trust Matters <input type="checkbox"/> Guardianship <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardian & Conservatorship	<input type="checkbox"/> Appointment/Removal of a Fiduciary <input type="checkbox"/> Arbitration Award Confirmation <input type="checkbox"/> Birth Certificate Amendment/Establishment <input type="checkbox"/> Debt Collection <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Emancipation of Minor <input type="checkbox"/> False or Frivolous Lien <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Foreign Protection Order/Foreign Stalking Order <input type="checkbox"/> Forfeiture of Property <input type="checkbox"/> Governmental Action Environmental Case <input type="checkbox"/> Injunction <input type="checkbox"/> Material Witness/Foreign Subpoena <input type="checkbox"/> Name Change <input type="checkbox"/> Involuntary Hospitalization <input type="checkbox"/> Public Nuisance <input type="checkbox"/> Specific Relief <input type="checkbox"/> Structured Settlement Protection Act <input type="checkbox"/> Successor to Civil Trust Appointment <input type="checkbox"/> Transcript Judgment from Circuit Court <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Replevin <input type="checkbox"/> Unspecified
TORT <input type="checkbox"/> Pl or WD - Environmental or Toxic Tort <input type="checkbox"/> Pl or WD - Fed Employer Liability Act <input type="checkbox"/> Pl or WD - Medical Malpractice <input type="checkbox"/> Pl or WD - Product Liability <input checked="" type="checkbox"/> Pl or WD - Vehicular <input type="checkbox"/> Personal Injury Unspecified <input type="checkbox"/> Property Damage <input type="checkbox"/> Tort Unspecified <input type="checkbox"/> Wrongful Termination of Employment	DOMESTIC RELATIONS <input type="checkbox"/> Custody/Parental Visitation <input type="checkbox"/> Grandparental Visitation <input type="checkbox"/> Paternity <input type="checkbox"/> Child Support/Parental Contribution <input type="checkbox"/> Child Support w/ Paternity <input type="checkbox"/> UIFSA w/Paternity <input type="checkbox"/> UIFSA <input type="checkbox"/> Dom Register Foreign Judgment <input type="checkbox"/> TPR State/DFS <input type="checkbox"/> TPR Family/Private	ADOPTION <input type="checkbox"/> Adoption <input type="checkbox"/> Confidential Intermediary	
CIRCUIT COURT <input type="checkbox"/> Small Claims <input type="checkbox"/> Forcible Entry and Detainer <input type="checkbox"/> Stalking Protection Order <input type="checkbox"/> Family Violence Protection Order	PROPERTY <input type="checkbox"/> Property with Mineral Rights <input type="checkbox"/> Property w/o Mineral Rights		

III. RELATED CASE(S) IF ANY (see instructions)

Docket No. _____ Judge _____ Court (if different) _____
 Docket No. _____ Judge _____ Court (if different) _____

IV. \$ AMOUNT IN CONTROVERSY, (estimated) (see instructions)\$ Unknown

[Signature]
 SIGNATURE OF ATTORNEY OF RECORD OR PRO SE LITIGANT

11/10/20
 DATE

STATE OF WYOMING
COUNTY OF LARAMIE

IN DISTRICT COURT
NINTH JUDICIAL DISTRICT

SHERRY MICHAELIS,

Plaintiff,

vs.

**PRINCE JACOB, MTR FREIGHT
SOLUTIONS, INC., DOES I-X**

Defendant

DEMAND FOR JURY TRIAL

Civil No. 193-992

FILED

NOV 12 2020

DIANE SANCHEZ
CLERK OF THE DISTRICT COURT

PLAINTIFF'S DEMAND FOR JURY TRIAL

COMES NOW Sherry Michaelis, Plaintiff in the above listed Civil Action and makes her Demand for Jury Trial. Juries may be demanded in civil cases and the jury shall be trier of the fact in such cases. Plaintiff hereby demands a 6-person jury.

SIGNED and DATED this 10th day of November 2020.

LOWE LAW GROUP



Eric Hinckley (Wyo. Bar No. 7-5997)
James Jackson (Wyo. Bar No. 7-5996)
6028 S. Ridgeline Drive
Suite 200
Ogden, UT 84405
Phone: 801-917-8500
Eric_h@lowelawgroup.com
james@lowelawgroup.com
Attorneys for Plaintiff